

MICHAEL L. WATSON,)
)
 Petitioner,)
)
 v.) **No. 4:07CV00573 ERW**
)
 CITY OF CHESTERFIELD,)
)
 Respondent.)

This matter is before the Court on Michael L. Watson's motion to proceed in forma pauperis [Doc. #2] and petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 [Doc. #1]. Based on the financial information provided with the motion to proceed in forma pauperis, the motion to proceed in forma pauperis shall be granted. The Court, however, will dismiss the petition for writ of habeas corpus because it plainly appears from the face of the petition that Watson is not entitled to relief.

Watson claims that he was arrested on February 23, 2007, pursuant to a warrant issued for his failing to appear in state court on a traffic matter. Watson was forced to spend approximately twenty-four hours in jail before being released. Watson is not currently imprisoned. The petition does not specify any relief to

which Watson believes himself to be entitled. There is no indication that Watson has pursued any of his available state remedies as required by 28 U.S.C. § 2254 before seeking habeas relief.

Discussion

Rule 4 of the Rules Governing § 2254 Cases provides that a district court shall summarily dismiss a § 2254 petition if it plainly appears that the petitioner is not entitled to relief. Under 28 U.S.C. § 2254, the Court may “entertain an application for a writ of habeas corpus in behalf of a person in custody pursuant to the judgment of a State court,” but the Court may not grant such a writ unless the petitioner has exhausted available state remedies.

Watson is not eligible for § 2254 relief because he is not “in custody” and because, on the face of the petition, it does not appear that he has exhausted available state remedies. As a result, the petition shall be dismissed pursuant to Rule 4 of the Rules Governing § 2254 Cases.

Accordingly,

IT IS HEREBY ORDERED that Watson’s motion to proceed in forma pauperis [Doc. #2] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall not issue process or cause process to issue upon the petition because the petition will be dismissed pursuant to Rule 4 of the Rules Governing § 2254 Cases.

An appropriate order shall accompany this memorandum and order.

So Ordered this 30th Day of March, 2007.

A handwritten signature in black ink, appearing to read "E. Richard Webber", written in a cursive style.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE